

PATENT
Docket No. 6315.N

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Benson et al.)	Group Art Unit:	1631
)		
Serial No.:	09/772,598)	Examiner:	Channing Mahatan
Confirmation No.:	2967)		
)		
Filed:	January 30, 2001)		
)		
For:	CRYSTALLIZATION AND STRUCTURE DETERMINATION OF STAPHYLOCOCCUS AUREUS NAD SYNTHETASE			

DECLARATION UNDER 37 C.F.R. §1.132

Commissioner for Patents
Mail Stop Amendment
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Loren D. Albin, declare and say as follows:

1. I, Loren D. Albin, am an attorney registered to practice before the U.S. Patent and Trademark Office under Registration No. 37,763.

2. I have read and am familiar with present U.S. Pat. Application Serial No. 09/772,598. On page 1, lines 10-12, the specification states that "[t]his application claims the benefit of U.S. Provisional Application Serial No. 60/179,261, filed 31 January 2000, which is incorporated herein by reference in its entirety."

3. I have read and am familiar with U.S. Provisional Application Serial No. 60/179,261, which was incorporated by reference in the present application as described herein above in paragraph 2. The Examiner's attention is drawn to page 3, lines 9-11, of U.S. Provisional Application Serial No. 60/179,261, which states that "[r]efinement of the condition yielded crystals of monoclinic morphology with a range of dimension of 0.15-0.8 x 0.2 x 0.05-0.1 mm." A copy of page 3 of U.S. Provisional Application Serial No. 60/179,261 is attached

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Page 2 of 2

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herewith as EXHIBIT A.

4. I have read and am familiar with the Amendment and Response submitted January 23, 2004, in the present application. The Amendment and Response amended the paragraph beginning at page 16, line 17 of the specification, by adding the sentence: "Preferably, the crystals have one dimension of 0.15-0.8 mm, and more preferably dimensions of 0.15-0.8 mm x 0.2 mm x 0.05-0.1 mm."

5. On information and belief, the phrases "dimension of 0.15-0.8 mm" and "dimensions of 0.15-0.8 mm x 0.2 mm x 0.05-0.1 mm," added in the Amendment and Response submitted January 23, 2004, in the present application, consist of the same material incorporated by reference from page 3, lines 9-11, of U.S. Provisional Application Serial No. 60/179,261, as described herein above in paragraph 2.

6. I further declare that statements made herein of my knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

July 20, 2004
Date

Loren D. Albin
Attorney: Loren D. Albin
Reg. No. 37,763
Direct Dial (612)305-1225

CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450, on this 20th day of JULY, 2004, at 2:43 PM (Central Time).

By: [Signature]
Name: SAM HER